IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUNATION SHEET
CIVIL APPLICATION NO.4962 OF 2006
IN
FIRST APPEAL NO.2934 OF 2006

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

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Mr.Nitin Dhumal for the Applicant.
Mr.Rahul Motkari for the Respondent.

CORAM: A.S.OKA, J.
DATE : FEBRUARY 14,2007.

P.C.:

1. Rule Respondent waives service. Taken up for hearing forthwith. On the last date, a suggestion was made by this Court if the Applicant was ready to furnish security within a reasonable time as directed by the order of the Trial Court dated 31st July 2006, the decree can be set aside and the Applicant will be permitted to defend the suit. Today, on instructions of the Applicant, the learned Advocate for the Applicant states that the Applicant is not in a position to furnish security.

2. The impugned decree is a money decree.

The Applicant has not defended the suit. Therefore, as a condition for grant of stay, entire decretal amount has to be deposited. No case is made out for making departure from the normal rules. Hence, Application is disposed of by passing the following order :

i) There will be interim relief in terms of prayer clause (a) subject to the Applicant depositing entire decretal amount with the trial Court within a period of four months from today.

ii) If the amount is not deposited within stipulated time, interim relief will stand vacated without reference to the court.

iii) If the amount is deposited, liberty to the Respondent to take out appropriate application. No order as to costs.

JUDGE